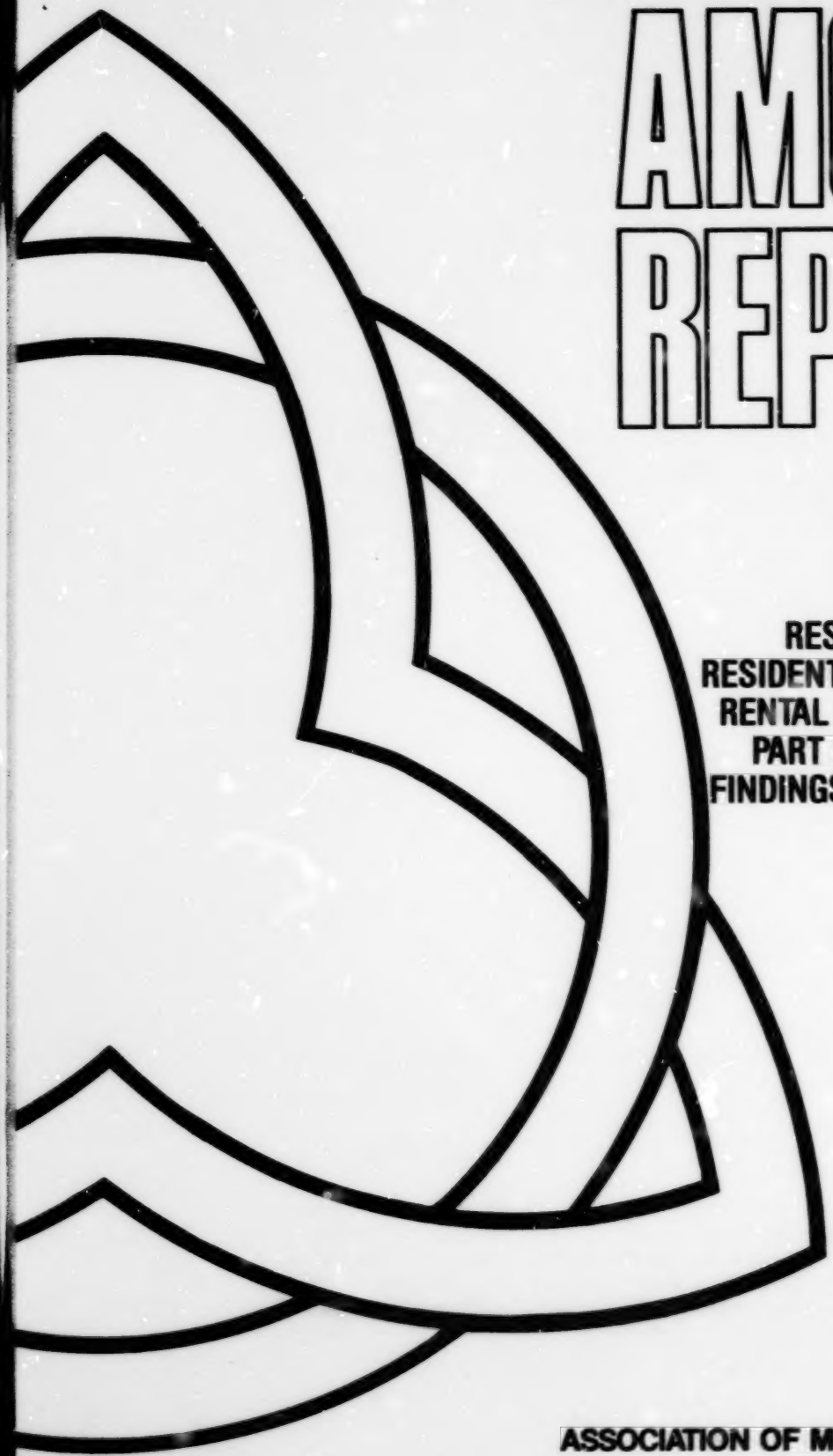

AMO REPORTS 83-10

RESPONSE TO THE STUDY OF RESIDENTIAL INTENSIFICATION AND RENTAL HOUSING CONSERVATION, PART I: DETAILED SUMMARY OF FINDINGS AND RECOMMENDATIONS

ASSOCIATION OF MUNICIPALITIES OF ONTARIO
MAY 1983

84- 4662

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

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* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
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* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

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"AMO Reports 83-10" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing on June 2, 1983.

AMO RESPONSE TO THE STUDY OF RESIDENTIAL INTENSIFICATION AND RENTAL HOUSING CONSERVATION, Part I: Detailed Summary of Findings and Recommendations

1. BACKGROUND

In December 1981, the Association of Municipalities of Ontario agreed to participate in a joint study with the Ministry of Municipal Affairs and Housing regarding making better use of the existing housing stock and related infrastructure. The terms of reference were developed jointly, and consultants were hired by the Ministry in July 1982, to undertake the study, arrive at conclusions, and develop recommendations.

The two objectives of the study included first, an examination of the opportunities and constraints for meeting some of the future additional housing needs in Ontario during the 80's and 90's through intensification of existing residential neighbourhoods. The second objective included an examination of some of the major forces at work that have threatened and could threaten the conservation of the existing rental housing stock, and the tenants who occupy this stock.

The Association was pleased to participate in the study and looks forward to its continued involvement with the Ministry of Municipal Affairs and Housing regarding residential intensification and the conservation of the existing rental housing stock. The AMO response concentrates upon the summary of recommendations contained in Volume 1 of the study in terms of the two stated objectives.

2. RESIDENTIAL INTENSIFICATION AND FUTURE HOUSING NEEDS

A) Introduction

This part of the report pertains to the findings of the first part of the study regarding the examination of the opportunities and constraints for meeting some of the future additional housing needs through the 80's and 90's through intensification. Intensification is defined to mean:

> "increasing the number of households accommodated in existing buildings and/or existing serviced land in already built-up parts of urban areas through conversion of existing structures and through additions to existing structures and the building of new structures on vacant or near vacant land. Intensification as used in this study is achieved with little or no demolition of existing buildings."[1]

It is proposed that intensification be regarded as one medium or longer term initiative which will be able to address certain housing needs in the future. A basic assumption in this section is that the Province will have to take a lead role to provide some catalytic measures if the potential of the intensification approach is to be realized. Municipalities will also have a major role to play.

In commenting upon the recommendations arising out of this section, AMO wishes to state that it supports the concept of intensification, but only as one of a number of ways to address certain housing needs which may not be met by building new units. The Association wants to make it clear that it maintains its support and commitment to social housing as the major means of providing affordable housing. Intensification could be a complementary approach in this respect. AMO would not want to see any diminished Government commitment to social housing as a result of a shift of priorities and funding to intensification programs and AMO does not believe any major initiatives by the Provincial Government are necessary to promote intensification. AMO believes that intensification is happening and will continue to happen in municipalities where there is a need.

A second preliminary comment is with regard to local autonomy. AMO would like to point out that because of the diversity of housing needs and markets throughout the province, a policy of intensification may not be acceptable or appropriate in all municipalities. Municipal standards and controls have been designed for certain reasons and any changes will have to be approached carefully. Therefore, AMO's support for intensification is based on the premise that any programs developed

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1 Klein and Sears et al, Study of Residential Intensification and Rental Housing Conservation, Vol. 1: Summary of Findings and Recommendations (Toronto: Ministry of Municipal Affairs and Housing, 1983), page 11.

would be available as options to municipalities which they could take advantage of at their discretion. The Association would be willing to work with the Province to develop such programs.

B) Recommendations Directed at the Government of Ontario to Minimize the Constraints and Maximize the Opportunities for Intensification

1. General Policy Initiatives

AMO can only give qualified support to the first general policy initiative which recommends that the Provincial Government adopt and give considerable emphasis to neighbourhood intensification as one important housing strategy for the 80's. Intensification may not be a suitable response in all situations because of potential neighbourhood disruption. In addition, although intensification may provide a means of utilizing municipal services which may be under-utilized, municipal services could be hard-pressed as a result of increased servicing needs resulting from intensification. Further study would need to be undertaken in this regard. The Association agrees that intensification will not be able to meet all additional housing needs in the province over the next ten to twenty years and new rental and ownership housing will also be required. However, intensification may be able to address certain housing needs which can not be met by building new units.

AMO endorses the second general policy recommendation that the Provincial Government undertake a review of existing policies, programs and legislation regarding housing and municipal affairs in order to assess their impact on intensification. If the Government wishes to promote infill and conversion housing, it should ensure that its policies, programs and legislation are at least compatible with this objective. This review should be done in consultation with AMO and should take cognizance of Federal initiatives which may have an impact on Provincial intensification policies. AMO is very concerned about the possibility of the review being extended to include a review of the grants to municipalities to assess their compatibility with

the objective of encouraging more infill and conversion housing to be built. The Association requests in the strongest possible terms that it be consulted if a review of grants to municipalities is to take place and that this review be done in the context of the entire grants structure.

2. Promotion and Program Initiatives

AMO has some reservations about the recommendation that the Province should develop a promotional strategy and campaign directed towards municipal officials regarding community benefits of conversion and infill activity. Provincial efforts in this area should focus on the distribution of technical information to municipal elected representatives and to municipal appointed officials rather than a "promotional strategy and campaign" directed towards municipal officials. AMO also agrees that municipalities should be encouraged to undertake a review of their official plans, zoning by-laws and development approval procedures with a view to minimizing the constraints these pose to conversion and to maximizing the opportunities for intensification. However, AMO believes that programs developed to this end should be available to municipalities at their option and that the necessary funding should be provided by the Province. AMO therefore endorses the recommendations that the Province develop financial assistance programs for municipalities to undertake a review of their official plans, zoning by-laws and development approval procedures and practices as they pertain to residential intensification. Municipalities should then decide if they wish to make appropriate adjustments or revisions to encourage these activities.

With respect to the recommendation regarding a housing development process facilitator, AMO believes that there may be some merit to developing this position to assist homeowners in undertaking conversion and infill activities. However, AMO believes further study is warranted regarding the mandate, authority and effectiveness of the facilitator. The Association would not like to see a new level of bureaucracy created.

AMO endorses the recommendation that the Province in co-operation with municipal governments mount a series of demonstration projects in order to test out certain assumptions and proposed recommendations regarding intensification. However, this should be done in municipalities that are currently involved in intensification activities and that wish to participate, in order to take advantage of the municipal experience that has already been gained.

In promoting intensification as a strategy for the provision of housing, AMO gives qualified support to the recommendation that the Province develop a promotional strategy and campaign to heighten the awareness of homeowners and prospective homeowners of the benefits and/or advantages of conversion. AMO wants it to be clear that this should be done only in those municipalities which are participating in intensification programs and which have adopted policies accordingly. This promotional strategy must be co-ordinated with and channeled through those municipalities.

If homeowners are being relied upon to undertake conversions, it is necessary that they be provided with information such as what types of units would be most marketable. In addition, homeowners will need to know about conversion costs, the approval process, landlord and tenant relations, rent review legislation, capital gains, income tax implications and property assessment. AMO agrees that it would be useful for both homeowners and contractors to have access to specific information packages to assist them in understanding what they need to do in order to carry out a conversion.

AMO supports the recommendation that the Government encourage lending institutions to review and alter their mortgage lending practices so as not to deter homeowners from undertaking conversions. The Association recognizes that mortgage lenders are reluctant to provide funds for conversion, and believes that because conversions would be consistent with Government goals, it would be appropriate for the Province to reduce the initial risk of the private sector by providing mortgage guarantees, for example.

3. Legislative Initiatives

With reference to the recommendation that the draft Renovation Code, Part XI, should be brought into effect immediately, AMO participated in the development of Part XI and believes that the proposals are a tremendous step forward in the area of residential renovation[2]. It is AMO's understanding that Part XI will apply to all residential units whether voluntarily renovated or renovated as a result of an order.

With respect to the Planning Act, AMO does not agree that municipalities should have the option to be able to deem certain variances to comply with zoning by-laws. In order to implement intensification policies, amendments may have to be made to the applicable zoning by-laws and this should be done in accordance with the usual procedure, with due public notice. This would be consistent with the proposal that municipalities review their official plans, zoning by-laws and approval procedures.

AMO agrees that the Landlord and Tenant Act could prove to be an obstacle for homeowners wishing to undertake intensification or conversion. The Association recognizes that specific problems exist for small property owners who fear that they will not be able to evict problem tenants without undue delay, should the need arise. AMO would not support an amendment to the Landlord and Tenant Act so that it would not apply to owner occupied dwellings containing three or fewer rentals. It would be unacceptable for a group of tenants to be unprotected by that legislation. AMO does, however, support the concept that the Act be amended to enable speedier termination of tenancies for reasons such as non-payment of rent, although, any specific amendments and to whom they should apply should be the subject of further study.

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2 Association of Municipalities of Ontario, Response to the Renovation - Proposed Part XI of the Building Code, ("AMO Reports 82-19"), September, 1982.

C) Recommendations Directed at Municipalities to Minimize the Constraints and Maximize the Opportunities for Intensification

AMO agrees that it would be useful for municipalities to undertake an evaluation of their future housing needs and opportunities in order to assess what role intensification could play in meeting housing needs and to identify areas within existing neighbourhoods where intensification could occur. Any programs developed to this end should be developed co-incident with the Ministry of Municipal Affairs and Housing's review of the Community Planning Study Grants Program. Funding should be allocated to those municipalities who may be interested in undertaking such studies in order to assist them.

With respect to the recommendation that official plans and zoning by-laws be revised to permit conversion and infill in certain areas "as-of-right", AMO believes that zoning has traditionally been a municipal responsibility. Any suggestion to weaken such powers through Provincial intervention is strongly opposed. AMO believes that those municipalities that wish to encourage intensification should revise their official plans and zoning by-laws to facilitate conversions to the degree and in such areas as municipalities believe appropriate. Conditions and specifications should be as specific and objective as possible in order to provide certainty. AMO endorses the consultant's recommendations on regulatory changes only as suggestions for municipalities which want to actively encourage conversion or intensification. However, AMO believes that it must be left to each municipality to decide to what extent it wants to facilitate such activity.

The existence of illegally converted dwellings poses a dilemma to municipalities. These units may provide affordable accommodation, they are often assessed as multiple residential units, and yet they are illegal. AMO believes that this is another matter that should be left to each municipality to resolve as it wishes. Some municipalities may wish to adopt any one or more of the suggested approaches such as providing a general amnesty insofar as matters of zoning are concerned, relaxing certain performance standards, and/or relaxing certain prohibitions against habitation in units located in cellars and basements. Municipalities should not be legislated to adopt any of these approaches.

With respect to the final recommendation in this section that municipalities should consider developing a public relations/promotion/education campaign directed at specific neighbourhoods to increase public acceptance of the municipality's objectives regarding intensification, AMO believes this should be an option which municipalities may wish to consider, at their discretion. The Association reiterates that such a campaign should be co-ordinated with the Provincial Government. In addition, the campaign may not necessarily be aimed at specific neighbourhoods and may be contingent on the policies adopted by the municipality.

3. CONSERVING THE EXISTING RENTAL STOCK

A) Introduction

This part of the report deals with the recommendations arising from the second part of the study regarding the conservation of the existing rental stock. A number of factors affect the security of this stock including obsolescence, or current economics of the rental market which enable landlords to make greater returns by disposing of rental properties through sale, condominium conversion, or demolition. The study has focussed on the low-income single tenants, who are unemployed and not eligible for any form of government housing assistance programs as those most likely to suffer from the loss of rental units. The recommendations propose ways to protect those tenants that are faced with the loss of rental stock, and ways to encourage the conservation of the existing stock of high-rise rental apartments. AMO is concerned about deconversions of existing multi-unit homes into homes that contain fewer units, and would welcome some comments from the Ministry of Municipal Affairs and Housing regarding ways for municipalities to exercise some control over this process.

In commenting upon the recommendations arising out of this section of the report, AMO would like to point out that it has consistently endorsed recommendations to expand the target group to include needy people who are not now eligible for government housing assistance. In addition, the Association has long recognized the need to conserve the existing rental stock, particularly the social housing stock.

B) Recommendations Directed Towards Protecting Those Tenants that are at Risk in the Face of the Loss of Rental Stock and the Projected Costs of Conserving the Rental Stock

AMO endorses the first recommendation in this section that all levels of government should be encouraged to work together to create a climate of acceptance for low-income singles and "sub-groups" within our society. However, more than just a climate of acceptance is necessary. Appropriate housing will have to be made available to this part of the population.

AMO agrees that the housing problems of low-income singles will have to be dealt with by all levels of government. The Association has already reviewed this matter in its report entitled Affordable Housing - An Overview.[3]

With respect to the recommendations that municipalities permit as-of-right the type of housing that would cater to low-income singles, AMO believes that rooming house accommodation, in some situations, is a viable way to address shelter needs. However, municipalities may wish to restrict this accommodation to certain areas. AMO therefore recommends that this question of permitting rooming house accommodation as-of-right be a matter for each municipality to decide. The suggestion that "If action in this is not undertaken by municipal councils it may be necessary for the Provincial Government to intervene to ensure the same", is not acceptable and shows a complete lack of regard for the municipal point of view.[4] This unilateral action would contradict the current philosophy to respect local autonomy. Each community has different needs and in some areas, the type of housing that would cater to low-income singles may be inappropriate.

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3 Association of Municipalities of Ontario, Affordable Housing - An Overview, ("AMO Reports 83-2"), February, 1983.

4 Klein and Sears et al, Study of Residential Intensification and Rental Housing Conservation, Vol. 1, page 89.

As proposed in the consultants' report, AMO has previously recommended that eligibility criteria for rent-geared-to-income units be expanded to include single persons and childless couples over 45 years of age.[5] This would enable social housing agencies to provide accommodation to this target group.

With respect to the recommendation that regulations should be changed to permit 100% occupancy by households receiving rent-geared-to-income assistance in private, public and third sector rooming houses, AMO believes that the regulations should permit up to 100% occupancy, at the discretion of the sponsoring groups.

AMO has reservations about the Provincial Government providing low interest loans and grants to encourage the private sector to provide rooming house accommodation because this would take funds away from publicly sponsored projects which provide greater assurance that specific target groups will be served. AMO endorses the recommendation that non-profit and co-operative housing programs be extended to allow the acquisition of rooming houses, the creation of newly converted rooming houses, and the construction of new rooming houses, but notes that the Federally sponsored private non-profit and co-operative housing programs currently allow some flexibility in this regard. The municipal non-profit housing projects, however, face greater constraints. AMO believes these recommendations would provide much needed aid in the provision of affordable housing.

AMO supports the recommendation that social agencies, voluntary groups and church groups should be funded by the appropriate Provincial Ministries to provide social support and other services for low-income single people. However, the Association points out that Provincial co-ordination would be necessary to effectively combine shelter and support assistance. AMO further agrees that funds should be available to assist in the development of management skills for housing for low-income singles, but to the extent possible, existing management training organizations should be used for this purpose, for example, the Institute of Housing Management.

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5 Association of Municipalities of Ontario, Affordable Housing - An Overview, ("AMO Reports 83-2"), February, 1983.

With respect to the recommendation regarding the development of programs to provide direct assistance for conversion or upgrading of property for rental purposes, AMO agrees that the protection of existing tenants from displacement should be ensured. AMO also believes that any program of assistance should have a rent protection component. In considering the possibility of the development of programs for the upgrading of property for rental purposes, AMO would like to point out that the decision not to allocate Provincial monies for the Ontario Home Renewal Program (OHRP) in 1983/84 is contrary to the objective of upgrading housing in general in Ontario. In addition, the OHRP rental program could have served the purpose of upgrading and conserving Ontario's rental stock.

With respect to the final recommendation in this section regarding protecting tenants against rent increases due to conservation, AMO agrees that conservation is necessary and is pleased that recognition has been given to the problems that could result for tenants. Assistance for some tenants may be warranted but those tenants "in need" should be clearly defined. AMO agrees that such tenants may require assistance if there is a shortage of other affordable rental units.

C) Recommendations to Ensure that the Existing Stock of High-Rise Rental Apartments will be Conserved in a Safe and Livable Condition Over the Next Twenty Years

AMO commends the consultants for their study of conserving the existing rental stock and is pleased that the need for conservation for public and private rental apartments has been recognized. Because the analysis of conservation requirements indicates that these could cost approximately $7,000-$14,000 in 1982 dollars per apartment over the next 20 years, and these units represent approximately 40% of the total rental stock in Ontario, there is an impending crisis. It is necessary for all levels of government to work together on a priority basis in order to develop some solutions. Many of the recommendations contained in this part of the report should be considered in these deliberations.

With respect to the recommendations regarding future conservation requirements of the Ontario Housing Corporation, AMO agrees that the Province should quickly secure the co-operation of the Federal Government to address this problem, and that the solutions should be extended to other social housing portfolios. This will be necessary to ensure that this large and valuable stock of low cost housing remains safe and livable.

With respect to the recommendation regarding a review of options available to the Province for providing tax incentives and property tax abatements to private landlords to undertake building conservation, AMO would strongly oppose any proposals for property tax abatements.

AMO agrees with the final recommendation that a future study regarding rental housing conservation for low-rise apartment buildings is necessary.

4. RECOMMENDATIONS

1. That the Ministry of Municipal Affairs and Housing receive this response to the Study of Residential Intensification and Rental Housing Conservation for information and consider AMO's comments in its own review of the Study.

2. That the Ministry of Municipal Affairs and Housing consult with AMO prior to the adoption of any specific proposals arising from the Study of Residential Intensification and Rental Housing Conservation.

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